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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/716,360	08/03/1999	ROBERT JOHN MABBOTT	16286-702	5698

909 7590 11/24/2003  
PILLSBURY WINTHROP, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

EXAMINER
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HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 11/24/2003

32

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO B2

# Office Action Summary

Application No.

08/716,360

Applicant(s)

Mabbott et al.

Examiner

Bruce Hess

Group Art Unit

1774

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 7-21-03 (Prel. Amndt.)
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 53, 55 and 60-66 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 53, 55 and 60-66 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1774

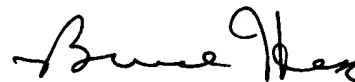
1. Claims 53, 55 and 60-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Mitsubishi either alone or in view of the patent to Akiya for the reasons of record set forth in Paper No. 27.

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over the patents to Mitsubishi and Rimai either alone or in combination with the patent to Akiya. The teachings and applicability of the above patents is fully discussed in paper No. 27.

The use of an anchor layer is deemed optional by Mitsubishi. Hence, Mitsubishi clearly contemplate the application of PMP directly to the support. The process argument that the Mitsubishi article is not intended for use as transfer material is not dispositive of the issue of the patentability of the present article claims.

2. Claims 53, 55 and 60 – 65 are rejected under 35 USC 112 (second paragraph). All claims recite a "carrier providing a surface ... being provided by a layer or coating of polymethylpentane material on a backing sheet". Is the carrier a separate element or is it the same thing as the backing sheet?

Any inquiry concerning this communication should be directed to Bruce Hess at telephone number (703) 308-2402.



B. Hess/lap

November 19, 2003

BRUCE H. HESS  
PRIMARY EXAMINER